

Comments on Agency Guidance
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Page 1, line 1: Delete “as defined”

Reason: We properly cite to the AG Manual, not to the APA, which does not actually define the phrase.

Page 3, line 50: should read “regulations” (typo)

Page 5, lines 102-103: “because beneficiaries often lack the opportunities and resources to participate in the individual adjudicatory or enforcement proceedings ~~in~~ to which a policy statement will be followed. **may apply.**”

Reason: “follow” suggests that the policy statement is binding.

Page 9, Paragraph 8, lines 182-192: I intend this comment to clarify, not advocate. I suggest we shorten and clarify this paragraph by deleting subparagraph (b) and shortening subparagraph (a), as follows:

“In deciding when to take such measures the agency should **assign a higher priority to situations when** consider the following, bearing in mind that these considerations will not always point in the same direction:

- a. ~~An agency should assign a higher priority to a policy statement the greater the statement’s impact is likely to be on the interests of regulated parties and regulatory beneficiaries, either because regulated parties have strong incentives to **treat the policy statement as a binding legal norm** comply with the statement or because **or when** the statement practically reduces the stringent of the regulatory scheme compared to the status quo.~~
- b. DELETE

Reason: Shorten & clarify. Subparagraph (b) seemed unnecessary, a bit wordy and without preamble counterpart. Our goal is to highlight high priorities, not low ones.

Page 11, line 232: consider replacing “publication” with “dissemination”

Reason: Readers may associate the term “publication” with rules. I suggest this as a Manager’s Amendment. I withdraw the comment if the managers decline the suggestion.